IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6592 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE AKSHAY H.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HARSUTABEN HIMMATLAL PUROHIT

Versus

STATE BANK OF SAURASHTRA

Appearance:

1. Special Civil Application No. 6592 of 2001

MR BD KARIA for Petitioner No. 1-6

MR JD AJMERA for Respondent No. 1-2

CORAM : MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 19/06/2002

ORAL JUDGEMENT

1. The petitioners have approached this Court praying for quashing and setting aside the penalty of compulsory retirement imposed on original petitioner late Shri Himmatlal Purohit. Late Shri Himmatlal Purohit was

serving with the respondent - Bank and at the relevant time he was discharging duty as a Branch Manager at Shahpur village branch of respondent - Bank. It was alleged that while working as Branch Manager late Shri Purohit had exceeded his authority in the matter of disbursing loans and in extending cash credit facility. For these alleged acts of misconduct inquiry was held against him and amongst other punishments, punishment of compulsory retirement was also imposed upon him. Having been aggrieved by the said decision of the respondent Bank he had approached this Court by filing Special Civil Application No.1962/1986, which was dismissed by the learned Single Judge of this Court against which he had preferred Letters Patent Appeal No.24/1989. The Division Bench of this Court vide oral judgment dated 19th December, 2000 remanded the matter to the appellate authority for reconsidering the question of quantum of punishment which could be imposed on him. It appears from the record that even after the remand, the appellate authority had thought it fit to retain the original penalty of compulsory retirement imposed upon the deceased Shri Purohit. The second order of the appellate authority is dated 21st March, 2001. Shortly thereafter, i.e. on 11th May, 2001 late Shri Purohit expired. This petition, therefore has been filed by the widow and five children.

2. Having heard the learned counsels Mr.B.D. Karia and Mr.J.D. Ajmera for the petitioners as well as the respondents respectively and considering the facts and circumstances which appear from the record of this petition, I am of the opinion that instead of adjudicating upon this dispute it would be desirable that son of deceased Shri Himmatlal Purohit may make a representation to the respondent - Bank requesting for compassionate appointment in the said bank. I, therefore, without dealing with the merits of the case, direct the petitioners to make appropriate representation-cum-application to the respondent - Bank in the name of son of late Shri Himmatlal Purohit within a period of one month from the date of this order and upon receipt of such representation as and when made the respondent - Bank will consider the same sympathetically and within the scope of the scheme which may be in force with the bank in this behalf. The respondent - Bank may decide the representation as early as possible, hopefully before 30th September, 2002. It may also be clarified here that the bank may not be influenced while taking decision on such representation by the events that have already taken place earlier. In case of difficulty, liberty is reserved to the petitioner to approach this

Court by filing fresh petition.

With these directions, the petition is disposed of with no order as to costs. Rule is discharged.

19.6.2002 [Akshay H. Mehta, J.]

/phalguni/